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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,633	01/22/2001	Masato Ageta	1086.1135/JDH	8778
21171	7590	06/30/2006	EXAMINER	
STAAS & HALSEY LLP JIM LIVINGSTON SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LUU, SY D	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,633

Applicant(s)

AGETA ET AL.

Examiner

Sy D. Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed April 5, 2006.
2. Claims 1-31 are pending in this application. Claims 1, 14, 21 and 28-31 are independent claims. In the instant Amendment, claims 1, 3-4, 14, 16-17, 21, 23-24, and 28-31 were amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-XXX are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. ("Humpleman", US 6,603,488 B2) in view of Gentner (US 5,796,404).

As per claims 1-3, Humpleman teaches an information processing apparatus, comprising:

a menu storage unit storing characteristic menu information corresponding to applications (fig. 8; col. 19, line 65 – col. 20, line 30; *menu 712 corresponding to various control applications which are associated with the devices such as “Dads TV” and “Jims DVD”*); and a menu development unit discriminating whether one of the applications is being executed and displaying a menu corresponding to the discriminated application on a screen using said menu information, a menu execution unit executing a processing corresponding to a menu item selected from said menu, wherein if the application for which said menu information exists is being executed, the application is activated (figs. 8 and 10; col. 15, lines 30 – col. 16, line 7; *control application for “Dads TV” is selected/started, and a corresponding menu 804 is displayed with various menu items such as “Channel” and “Volume” which could be selected for processing*).

Humpleman does not teach the characteristic menu information to be composed of key codes serving as commands in applications. Gentner teaches menu information composed of key codes serving as commands in applications (abstract; fig. 3; col. 5, lines 66 et seq.). It would have been obvious to an artisan at the time of the invention to combine Gentner's teaching with Humpleman's menu information in order to provide yet another convenient choice of initiating commands.

Claims 4-5 are similar in scope to claim 3, and thus would be rejected under similar rationale. Humpleman further teaches said menu development unit to display a predetermined menu on the screen if an application which does not store said menu information is being executed, wherein said predetermined menu is a launcher menu for starting the applications (fig. 8; *predetermined menu 710 is displayed if none of the applications 712 is started*).

Claims 14-18 are similar in scope to claims 1-5 respectively, and are therefore rejected under similar rationale.

Claims 21-25 and 28 are similar in scope to claims 1-5 and 1 respectively, and are therefore rejected under similar rationale.

Claims 29-31 are similar in scope to claims 1, 4 and 5 respectively, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. Claims 6, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. ("Humpleman", US 6,603,488 B2) in view of Gentner (US 5,796,404).

As per claim 6, Humpleman teaches the display of a menu 710 and a number of menu items 712 therein (fig. 8), but does not teach if a menu item is selected from said menu, the menu is deleted from the screen. Official Notice is taken that such a feature is well known in the art. It would have been obvious to an artisan at the time of the invention to combine such a feature with the teaching of Humpleman in order to increase screen display area for the display of the subsequent screen.

Claims 19 and 26 are individually similar in scope to claim 6, and are therefore rejected under similar rationale.

6. Claims 7-13, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. ("Humpleman", US 6,603,488 B2) and Gentner (US 5,796,404), and further in view of Higuchi (JP-01100620).

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As per claims 7, 12 and 13, Humpleman does not explicitly disclose an indication unit indicating display of said menu, and said menu development unit to discriminate the executing application if an indication of said indication unit is detected, wherein said indication unit is provided in front of a keyboard; and wherein the processing apparatus comprises a cover on which a display is arranged, a main body on which said keyboard is arranged and a coupling section coupling the cover to the main body. However, all of these components/features when used in conjunction with a portable personal computer (PC) are known in the art. For instance, Higuchi teaches a portable computer having these components and features (fig. 1; page 1, last para. – page 2, first para.). It would have been obvious to an artisan at the time of the invention to equip Humpleman's apparatus with these components/features in order to provide portability as well as to allow users with compact/efficient means for making menu selections and for proper arrangements of the components on the computing device.

As per claim 8-9, Higuchi teaches said indication unit to be a device consisting of a scroll up/down buttons for changing selection of the menu item from said menu and defined button for determining the selected menu item, wherein said defined button is operated to thereby indicate the display of said menu (fig. 1; keys 3-6 and 7).

As per claims 10-11, all claimed features regarding the arrangement of the defined button as well as the scroll up/down buttons being a seesaw switch are well known in the art. It would have been obvious to an artisan at the time of the invention to include such features with Higuchi's apparatus in order to provide convenient and efficient means for navigating through as well as selecting menu options.

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Claims 20 and 27 are individually similar in scope to claims 7, and are therefore rejected under similar rationale.

Response to Arguments

7. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174**